

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

JUSTIN S. ASHLEY,)
)
 Plaintiff,)
)
 v.) CV621-083
)
 WYNITA SHARPE, *et al.*,)
)
 Defendants.)

ORDER

The Court previously recommended that *pro se* plaintiff Justin S. Ashley's Complaint be dismissed. *See generally* doc. 14. He objected to that recommendation and included approximately thirty pages of material that appears to expand upon the approximately eighty pages of his original complaint. *See* doc. 15; *see also* doc. 1 (original Complaint). He also requests additional time to respond to the Report and Recommendation. Doc. 16. The Eleventh Circuit has instructed that "when a more carefully drafted complaint might state a claim, a district court should give a *pro se* plaintiff at least one chance to amend the complaint before the court dismisses the action." *Jenkins v. Walker*, 620

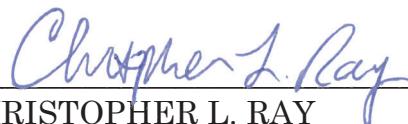
F. App'x 709, 711 (11th Cir. 2015) (citation omitted). The Court will do so here.

Accordingly, the prior Report and Recommendation is **VACATED**. Doc. 14, in part. Although Ashley will have an opportunity to amend his pleading, the Court cannot combine the allegations in his original pleading with the additional allegations in his Objection. *See, e.g.*, *Giddens v. Brooks Cnty., Ga.*, 2022 WL 836273, at *3 (11th Cir. Mar. 21, 2022) (“Despite [the] leniency toward *pro se* litigants . . . courts may not step into the role of *de facto* counsel or rewrite an otherwise deficient pleading in order to sustain an action. (internal quotation marks and citation omitted)). Ashley must, therefore, file a single amended complaint. Ashley is **DIRECTED** to submit his amended complaint no later than March 31, 2023. He is advised that his amended complaint will supersede his original pleading and therefore must be complete in itself. *See, e.g.*, *Varnes v. Local 91, Glass Bottle Blowers Ass'n of U.S. & Canada*, 674 F.2d 1365, 1370 n. 6 (11th Cir. 1982). The Clerk is **DIRECTED** to enclose a blank copy of Form Pro Se 14 (Complaint for Violation of Civil Rights (Prisoner)) with the service copy of this Order for Ashley's convenience. Ashley is advised that failure to comply with

this Order may result in a recommendation of dismissal. *See, e.g.*, Fed. R. Civ. P. 41(b).

Since the prior Report and Recommendation is vacated, and Ashley will have an opportunity to amend his Complaint, his Motion for additional time to respond to the Report and Recommendation is **DISMISSED** as moot. Doc. 16. His Motion seeking a copy of the docket sheet is **GRANTED**. Doc. 17. The Clerk is **DIRECTED** to enclose a copy of the docket with this Order. His opportunity to submit an amended pleading also renders his request that the Court consider his prior filings timely moot. Doc. 18. It is, therefore, **DISMISSED**. *Id.* Any allegation included in that Motion concerning “interference with [his] access to courts,” *id.* at 5, that he intended to supplement his claims for relief may be included in his Amended Complaint.

SO ORDERED, this 2nd day of March, 2023.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA